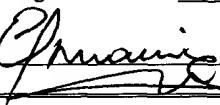


GZ 2018.00

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail No. EV 035 512 243 US in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, Box PCT, Attention: PCT Legal Office on 5/14/02.

Name: Edgar Benavides

By: **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

Inventors: Jin JEN, et al.

Serial No.: 09/646,478

Filing Date: September 15, 2000

For: METHODS FOR THE DIAGNOSIS  
AND TREATMENT OF LUNG CANCERCommissioner for Patents  
Washington, DC 20231**Box PCT****Attention: PCT Legal Office**

Sir:

**RENEWED REQUEST UNDER 37 C.F.R. § 1.497(d)  
AND PETITION FOR SUSPENSION OF THE RULES UNDER 37 C.F.R. § 1.183**

This Renewed Request is filed in response to the Decision dated March 20, 2002, a copy of which is enclosed. A period of two months to file a response was granted, i.e., by May 20, 2002. Accordingly, this Renewed Request is timely filed.

The March 20, 2002 Decision noted that the Petition filed March 4, 2002 was incomplete because, unlike the undersigned attorney's file (hereinafter "Applicants' file"), the Prosecution by Assignee in the Office's file does not name John Hopkins University ("University") as the assignee of an interest in the Application. A copy of the Office's copy is attached.

A copy of the Prosecution by Assignee executed by the University from Applicants' file is attached. The University is the joint owner of the subject application by virtue of an assignment recorded January 17, 2001 on Reel 011456, Frame 0750. A copy of the Notice of Recordation also is enclosed. Yet further enclosed is a declaration by Mary R. Zimmerman attesting to the mailing and filing on April 25, 2001 of the original Prosecution by Assignee executed by the University.

In view of the enclosed documents, Applicants respectfully request reconsideration of the Decision filed March 4, 2002. Without deceptive intent, an erroneous Prosecution by Assignee was filed. See also copy of March 29, 2001 letter (redacted) to the University requesting execution of the corrected document.

Applicants also respectfully request a filing date be accorded to the subject application. Applicants' attorney further Petitions for any and all relief required to perfect the filing of the subject application before the U.S. Patent and Trademark Office. All fees which may be due in connection with the granting of this relief may be charged to Deposit Account No. 50-1189 (Billing Ref.: 19442-7030).

If a telephone interview would advance processing and examination of the subject application, the Office is invited to contact the undersigned at 650-849-4950.

Respectfully submitted,

Dated: May 14, 2002

By: Antoinette F. Konski  
Antoinette F. Konski  
Registration No.: 34,202

McCutchen, Doyle, Brown & Enersen, LLP  
Three Embarcadero Center, Suite 1800  
San Francisco, California 94111  
Telephone: (650) 849-4950  
Telefax: (650) 849-4800



MAR 20 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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Antoinette F. Konski  
McCutchen, Doyle, Brown & Enersen LLP  
3 Embarcadero Center, Suite 1800  
San Francisco, CA 94111

MAR 25 2002

MDB&E

In re Application of JEN et al	:	
U.S. Application No.: 09/646,478	:	
Int. Application No.: PCT/US99/06947	:	DECISION
Int. Filing Date: 30 March 1999	:	
Priority Date: 31 March 1998	:	
Attorney Docket No.: 126881201800	:	
For: METHODS FOR THE DIAGNOSIS AND	:	
TREATMENT OF LUNG CANCER	:	

This is in response to applicants' "Renewed Request Under 37 C.F.R. § 1.497(d) and Petition for Suspension of the Rules Under 37 C.F.R. § 1.183" filed 04 March 2002.

**BACKGROUND**

On 30 March 1999, applicants filed international application PCT/US99/06947, which claimed priority of an earlier United States application filed 31 March 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 12 October 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 30 September 2000.

On 15 September 2000, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 October 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed along with a surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty (30) months from the priority date.

On 17 January 2001, applicants filed a "Response to Notice of Missing Requirements" which included, *inter alia*, a declaration, an assignment document, and the required late declaration surcharge.

On 20 April 2001, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) along with a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917) indicating that the declaration filed 17 January 2001 is improper since the declaration lists an inventor who is not listed on the international application.

On 21 May 2001, applicants filed a request to correct inventorship under 37 CFR 1.497(d).

On 14 August 2001, this Office mailed a decision dismissing the 21 May 2001 request to correct inventorship.

On 04 March 2002, applicants filed the present renewed request under 37 CFR 1.497(d) along with new declarations.

### DISCUSSION

The declarations filed 04 March 2002 are in proper format and list David Sidransky as an additional inventor beyond those indicated in the international application.

37 CFR 1.497(d) (effective 07 November 2000) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

With regard to item (1) above, applicants have provided the requisite statement from the purported inventor Sidransky.

With regard to item (2) above, the requisite fee has been provided.

With regard to item (3) above, the assignee must establish ownership of the application in order to consent to a correction of inventorship. See MPEP 324. On 30 March 2001, applicants filed a "Prosecution by Assignee and Power of Attorney Under 37 C.F.R. § 3.71" which states that AgraQuest, Inc. is the assignee of the entire right, title, and interest in the present application.

Under 37 CFR 3.73(b)(1), ownership of the application may be established by: (i) submitting documentary evidence of a chain of title from the original owner to the assignee; or (ii) specifying by reel and frame number where such evidence is recorded in the USPTO. In the

present case, applicants have not provided documentary evidence of a chain of title from each of the inventors to AgraQuest, Inc., nor have applicants specified by reel and frame number where such evidence is recorded in the USPTO.

It is further noted that the consent statements filed with the renewed request do not state that the persons signing the statements are authorized to act on behalf of AgraQuest, Inc., nor are the consent statements signed by persons with apparent authority to sign on behalf of AgraQuest, Inc. See 37 CFR 3.73(b)(2).

### CONCLUSION

Because applicants have failed to satisfy item (3) above, the renewed request under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of this decision is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)" and should also properly establish consent of the assignee as discussed above. Extensions of time may be obtained pursuant to 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.

  
Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459

**PCT Help Desk  
United States Patent and Trademark Office  
Box PCT  
Washington, DC 20231  
Telephone: (703) 305-3257  
Facsimile: (703) 305-2919**

# Facsimile Cover Sheet

To: Antoinette Koniski

From: Bryan Tung

Fax: 650-849-4800

Pages: 3

Phone:

Date: 26 March 2002

Ref: 09/646,478

CC:

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL  
FORM

(to be used for all correspondence after filing)

Total number of Pages in this submission.

Application Number	09/646,478
Filing Date	September 15, 2000
First Named Inventor	JEN et al.
Group Art Unit	NYA
Examiner Name	NYA
Attorney Docket No.	126881201800

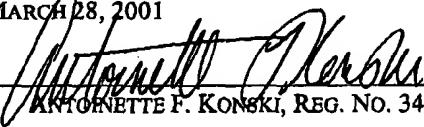
Commissioner of Patents  
Washington, D.C. 20231

## ENCLOSURES (check all that apply)

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| <input type="checkbox"/> FEE ATTACHED   | <input type="checkbox"/> DRAWING(S)  | <input type="checkbox"/> APPEAL COMMUNICATION TO BOARD<br>OF APPEALS AND INTERFERENCES       |
| <input type="checkbox"/> AMENDMENT/RESPONSE   | <input type="checkbox"/> LICENSING-RELATED<br>PAPERS   | <input type="checkbox"/> APPEAL COMMUNIATION TO GROUP<br>(APPEAL NOTICE, BRIEF, REPLY BRIEF) |
| <input type="checkbox"/> AFTER FINAL  | <input type="checkbox"/> PETITION ROUTING SLIP<br>(PTO/SB/60) AND<br>ACCOMPANYING<br>PETITION) | <input type="checkbox"/> PROPRIETARY INFORMATION   |
| <input type="checkbox"/> AFFIDAVITS' DECLARATION(S)   | <input type="checkbox"/> TO CONVERT A<br>PROVISIONAL<br>APPLICATION                            | <input type="checkbox"/> STATUS LETTER   |
| <input type="checkbox"/> EXTENSION OF TIME  | <input type="checkbox"/> POWER OF ATTORNEY,<br>REVOCATION CHANGE OF<br>CORRESPONDENCE ADDRESS  | <input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S)<br>(PLEASE IDENTIFY BELOW):      |
| <input type="checkbox"/> EXPRESS ABANDONMENT REQUEST  | <input type="checkbox"/> TERMINAL DISCLAIMER   | PROSECUTION BY ASSIGNEE AND POWER OF<br>ATTORNEY UNDER 37 C.F.R. § 3.71; RETURN<br>POSTCARD  |
| <input type="checkbox"/> INFORMATION DISCLOSURE<br>STATEMENT W/1449                                 | <input type="checkbox"/> SMALL ENTITY STATEMENT  |  |
| <input type="checkbox"/> CERTIFIED COPY OF PRIORITY<br>DOCUMENT(S)                                  | <input type="checkbox"/> REQUEST FOR REFUND  |  |
| <input type="checkbox"/> RESPONSE TO MISSING PARTS/<br>INCOMPLETE APPLICATION                       |  |  |
| <input type="checkbox"/> RESPONSE TO MISSING PARTS<br>UNDER 37 CFR 1.52 OR 1.53<br>COPY OF PTO-1533 |  |  |
| <input type="checkbox"/> ISSUE FEE TRANSMITTAL  |  |  |
| <input type="checkbox"/>  |  |  |
| <input type="checkbox"/>  |  |  |

## REMARKS:

DATE: MARCH 28, 2001

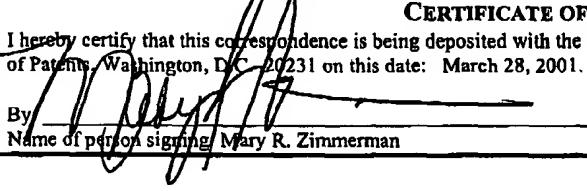
BY: 

ANTIONETTE F. KONSKI, REG. NO. 34,202

BAKER & MCKENZIE  
660 HANSEN WAY  
PALO ALTO, CALIFORNIA 94304  
TELEPHONE: (650) 856-2400  
FACSIMILE: (650) 856-9299

## CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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By: 

Name of person signing: Mary R. Zimmerman



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Jin JEN, et al.

Application Serial No.: 09/646,478  
(PCT/US99/06947)

Filing Date: September 15, 2000 (March 30, 1999)

For: **METHODS FOR THE DIAGNOSIS AND TREATMENT OF LUNG CANCER**

Examiner: Unassigned

Group Art Unit: Unassigned

Attorney's Docket No. 126881-201800

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71**Commissioner for Patents  
Washington, D.C. 20231

Sir:

AgraQuest, Inc., the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Antoinette F. Konski	Reg. No. 34,202
Mark Della Valle	Reg. No. 34,147
Michele Todd Wasmuth	Reg. No. 43,239

all of the firm Baker &amp; McKenzie, 660 Hansen Way, Palo Alto, CA 94304, to prosecute this application and transact all matters in the U.S. Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

Please direct all written communications relative to this application to:

Antoinette F. Konski  
 Baker & McKenzie  
 660 Hansen Way  
 Palo Alto, California 94304

Please direct all telephone communications to Antoinette F. Konski at (650) 856-5564.

John Hopkins University

Dated: 3/12/01By: R. Keith Baker

Name: R. Keith Baker, Ph.D.

Title: Acting Director, Office of Technology Licensing

Address: 111 Market Place, Suite 906

Baltimore, Maryland 21202

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>TRANSMITTAL FORM</b>		Application Number	09/646,478
		Filing Date	September 15, 2000
		First Named Inventor	JEN et al.
		Group Art Unit	NYA
		Examiner Name	NYA
		Attorney Docket No.	126881201800
<i>(to be used for all correspondence after filing)</i>			
Total number of Pages in this submission      10			

Commissioner of Patents  
Washington, D.C. 20231

<b>ENCLOSURES (check all that apply)</b>		
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<input type="checkbox"/> AMENDMENT/RESPONSE <input type="checkbox"/> AFTER FINAL	<input type="checkbox"/> DRAWING(S) <input type="checkbox"/> LICENSING-RELATED PAPERS	<input type="checkbox"/> APPEAL COMMUNICATION TO BOARD OF APPEALS AND INTERFERENCES
<input type="checkbox"/> AFFIDAVITS' DECLARATION(S)	<input type="checkbox"/> PETITION ROUTING SLIP (PTO/SB/60) AND ACCOMPANYING PETITION)	<input type="checkbox"/> APPEAL COMMUNIATION TO GROUP ( <i>APPEAL NOTICE, BRIEF, REPLY BRIEF</i> )
<input type="checkbox"/> EXTENSION OF TIME	<input type="checkbox"/> TO CONVERT A PROVISIONAL APPLICATION	<input type="checkbox"/> PROPRIETARY INFORMATION
<input type="checkbox"/> EXPRESS ABANDONMENT REQUEST	<input type="checkbox"/> POWER OF ATTORNEY, REVOCATION CHANGE OF CORRESPONDENCE ADDRESS	<input type="checkbox"/> STATUS LETTER
<input type="checkbox"/> INFORMATION DISCLOSURE STATEMENT W/1449	<input type="checkbox"/> TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> ADDITIONAL ENCLOSURE(S) ( <i>PLEASE IDENTIFY BELOW</i> ):
<input type="checkbox"/> CERTIFIED COPY OF PRIORITY DOCUMENT(S)	<input type="checkbox"/> SMALL ENTITY STATEMENT	PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY UNDER 37 C.F.R. § 3.71, STATEMENT UNDER 37 CFR 3.73(b) WITH COPY OF PREVIOUSLY RECORDED ASSIGNMENT; RETURN POSTCARD
<input type="checkbox"/> RESPONSE TO MISSING PARTS/ INCOMPLETE APPLICATION <input type="checkbox"/> RESPONSE TO MISSING PARTS UNDER 37 CFR 1.52 OR 1.53 COPY OF PTO-1533	<input type="checkbox"/> REQUEST FOR REFUND	
<input type="checkbox"/> ISSUE FEE TRANSMITTAL <input type="checkbox"/> <input type="checkbox"/>	<b>REMARKS:</b>	
BAKER & MCKENZIE 660 HANSEN WAY PALO ALTO, CALIFORNIA 94304 TELEPHONE: (650) 856-2400 FACSIMILE: (650) 856-9299	DATE: APRIL 25, 2001 BY:  ANTOINETTE F. KONSKI, REG. NO. 34,202	
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By: _____ Name of person signing: Mary R. Zimmerman		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Jin JEN, et al.

Application Serial No.: 09/646,478  
(PCT/US99/06947)

Filing Date: September 15, 2000 (March 30, 1999)

For: **METHODS FOR THE DIAGNOSIS AND  
TREATMENT OF LUNG CANCER**

Examiner: Unassigned

Group Art Unit: Unassigned

Attorney's Docket No. 126881-201800

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Johns Hopkins University, an assignee of the right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Antoinette F. Konski	Reg. No. 34,202
Mark Della Valle	Reg. No. 34,147
Michele Todd Wasmuth	Reg. No. 43,239

all of the firm Baker & McKenzie, 660 Hansen Way, Palo Alto, CA 94304, to prosecute this application and transact all matters in the U.S. Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

Please direct all written communications relative to this application to:

Antoinette F. Konski  
Baker & McKenzie  
660 Hansen Way  
Palo Alto, California 94304

Please direct all telephone communications to Antoinette F. Konski at (650) 856-5564.

**John Hopkins University**

Dated: 4/4/01

By: R. Keith Baker  
Name: R. Keith Baker, Ph.D.  
Title: Acting Director, Office of Technology  
Licensing  
Address: 111 Market Place, Suite 906  
Baltimore, Maryland 21202

**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Jin JEN, et al.

Application No./Patent No.: 09/646,478 Filed/Issue Date: September 15, 2000

Entitled: Methods for the Diagnosis and Treatment of Lung Cancer

John Hopkins University, a Maryland  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: \_\_\_\_\_ To: \_\_\_\_\_  
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Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document)  
must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be  
recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

02/19/01  
DateNina Ossanna  
SignatureNina Ossanna, Ph.D.  
Typed or printed nameDirector, Office of Technology Licensing  
Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APRIL 06, 2001

PTAS

BAKER & MCKENZIE  
ANTOINETTE F. KONSKI  
660 HASEN WAY  
PALO ALTO, CA 94304



\*101597761A\*

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/17/2001

REEL/FRAME: 011456/0750  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
JEN, JIN

DOC DATE: 01/03/2001

ASSIGNOR:  
SIDRANSKY, DAVID

DOC DATE: 01/04/2001

ASSIGNEE:  
JOHN HOPKINS UNIVERSITY SCHOOL OF  
MEDICINE  
824 ROSS RESEARCH BLDG/ 720  
RUTLAND AVENUE  
BALTIMORE, MARYLAND 21202

SERIAL NUMBER: 09646478  
PATENT NUMBER:

FILING DATE:  
ISSUE DATE:

Baker & McKenzie

APR 12 2001

Received  
Patent Dept.

011456/0750 PAGE 2

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ASSIGNMENT DIVISION  
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Name: C. Fong



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## U.S. DEPARTMENT OF COMMERCE

RECORDATION FORM COVER SHEET  
PATENTS ONLY

Patent and Trademark Office

Attorney's Docket No. 126881-201800

To the Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): JinJen; and David Sidransky		2. Name and address of receiving party(ies):  Name: John Hopkins University Address: School of Medicine 824 Ross Research Building 720 Rutland Avenue City: Baltimore State: Maryland Zip Code: 21202 USA
<input checked="" type="checkbox"/> Individual(s) <input type="checkbox"/> Association <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Corporation-State <input type="checkbox"/> Other		Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other:		Execution Date: January 3 and 4, 2001
4. Application number(s) or patent number(s): 09/646,478 If this document is being filed with a new application, the execution date of the application is:		
A. Patent Application No.(s):		B. Patent No.(s):
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed:  Antoinette F. Konski Baker & McKenzie 660 Hansen Way Palo Alto, California 94304		6. Total number of applications and patents involved: 1  7. Total fee (37 C.F.R. § 3.41): \$40.00  <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account, referencing Attorney Docket No.  8. Deposit account number: 50-0974

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §1.21 that may be required by this paper, or to credit any overpayment to Deposit Account No. 50-0974

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Name: Antoinette F. Konski (Reg. No. 34,202)

Date: January 11, 2001

Signature

Total number of pages comprising cover sheet, attachments and document: 5

Mail documents to be recorded with required cover sheet information to:

U.S. Patent and Trademark Office  
Office of Public Records  
Box Assignments  
Crystal Gateway 4, Room 335  
Washington, D.C. 20231

01/26/2001 GTDN11 00000202 09646478

01 FC:581

40.00 OP

157326.1

195072v1

ASSIGNMENT  
JOINT

THIS ASSIGNMENT, by Jin Jen and David Sidransky (hereinafter referred to as the assignors), residing at 2104 Heritage Drive, Baltimore, Maryland 21209 and 3007 Northbrook Rd., Baltimore, Maryland 21209 respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in **METHODS FOR THE DIAGNOSIS AND TREATMENT OF LUNG CANCER**, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/646,478, based on PCT International PCT/US99/06947, filed on March 30, 1999, and

WHEREAS, John Hopkins University, a university duly organized under and pursuant to the laws of Maryland and having its principal place of business at School of Medicine, 824 Ross Research Building, 720 Rutland Avenue, Baltimore, MD 21202 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents does sell, assign, transfer and set over, unto said assignee, its successors, legal representative and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representative and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the joint and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representative and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, Legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

PATENT

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

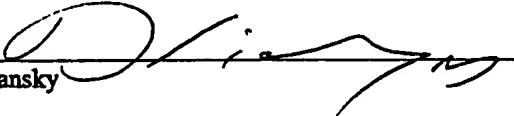
Date

1/3/01

  
Jin Jen

Date

1/4/01

  
David Sidransky

## ASSIGNMENT

We, Jin Jen and David Sidransky, whose full post office addresses are 2412 St. George Way, Brookeville, Maryland 20833 and 3007 Northbrook Road, Baltimore, Maryland 21209, respectively, in consideration of \$1.00, the receipt of which is hereby acknowledged and other good and valuable consideration, do hereby sell and assign to John Hopkins University, whose full post office address is School of Medicine, 824 Ross Research Building, 720 Rutland Avenue, Baltimore, Maryland 21205, all our rights, title and interests in Canada in and to the invention disclosed in an application for patent relating to, and entitled **METHODS FOR THE DIAGNOSIS AND TREATMENT OF LUNG CANCER**, the application originating from PCT application number PCT/US99/06947 and bearing the Canadian Patent Application No. 2,323,058, and international filing date of 30 March 1999, and to all our corresponding rights, title and interests in and to any patent which may be, or has been granted therefor.

The Assignors hereby require that this assignment be drawn in the English language.

SIGNED at Bethesda, MD. U.S.A.  
City and State \_\_\_\_\_ Country \_\_\_\_\_

This 3<sup>rd</sup> day of January, 2001.

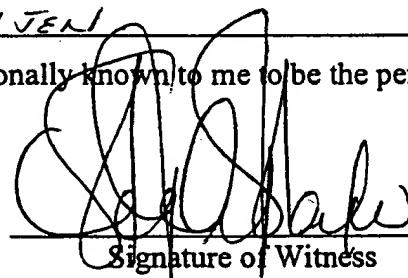


Jin Jen

### STATEMENT BY WITNESS

I, STEPHANIE PLAYER whose full post office address is  
14809 CHERRY LEAF TERRACE, SILVER SPRINGS, MD 20906

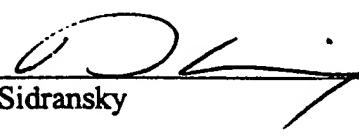
was personally present and did see JIN JEN execute the  
within assignment and such assignor is personally known to me to be the person described in  
such document.



01/03/01  
Signature of Witness

SIGNED at BALTIMORE, MD  
City and State \_\_\_\_\_ USA  
Country \_\_\_\_\_

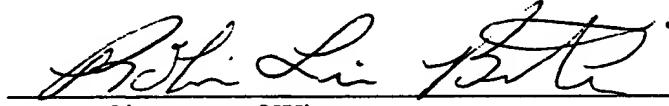
This 4 day of JANUARY, 2000.

  
David Sidransky

**STATEMENT BY WITNESS**

I, ROBIN LIN BAEWSTER whose full post office address is  
602 N CHURCHILL RD., BEL AIR, MD 21014

was personally present and did see DAVID SIDRANSKY, M.D. execute the  
within assignment and such assignor is personally known to me to be the person described in  
such document.

  
Signature of Witness

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

Jin JEN et al.

Serial No.: 09/646,478

Filing Date: September 15, 2000

For: METHODS FOR THE DIAGNOSIS  
AND TREATMENT OF LUNG  
CANCER

**DECLARATION**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, Mary R. Zimmerman, declare as follows:

1. That from March 27, 2001 through July 31, 2001, I was an employee of the law firm of Baker & McKenzie, 660 Hansen Way, Palo Alto, CA 94304.

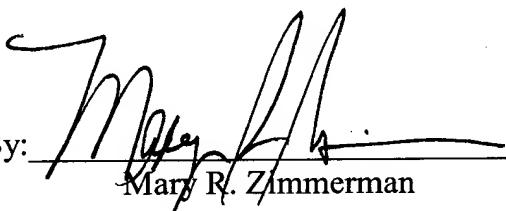
2. That on April 25, 2001, while employed at Baker & McKenzie, I did file with the Commissioner of Patents, Washington, DC 20231, by depositing with the United States Postal Service as first class mail in an envelope with sufficient postage, the following documents in connection with the above-identified non-provisional application:

Transmittal Form, Prosecution by Assignee and Power of Attorney  
Under 37 C.F.R. § 3.71 (signed by a representative of Johns Hopkins  
University), Statement under 37 CFR 3.73(b) (signed by a representative of

Johns Hopkins University) with copy of previously recorded assignment and return postcard.

3. That due to a clerical error on my part, said transmittal did not contain a signed certificate of mailing.

4. That all statements made herein are of my own knowledge and are true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Date: April 9, 2002 By:  Mary R. Zimmerman

GAO/BOLZ

## BAKER & MCKENZIE

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ANTOINETTE F. KONSKI  
(650) 856-5564  
antoinette.f.konski@bakernet.com

March 29, 2001

Patent Coordinator  
John Hopkins University  
School of Medicine  
111 Market Place, Suite 906  
Baltimore, Maryland 21202

Re: U.S. Patent Application Serial No. 09/646,478  
(Based Upon PCT Application Serial No. PCT/US99/06947)  
Filed: September 15, 2000  
For: *Methods for the Diagnosis and Treatment of Lung Cancer*  
Inventors: Jen, et al.  
JHU Reference:  
Our Reference: 68126881-2018.00

Dear

In connection with the above-referenced application, we are enclosing a new Prosecution by Assignee and Power of Attorney form for Nina R. Keith Baker to sign and date in blue ink. When preparing this document for filing we found an error needing correction. Please accept my apologies for the inconvenience. Please return this executed document to us as soon as possible.

Please feel free to contact me if you have any questions.

Sincerely,



Antoinette F. Konski

Enclosure: Prosecution by Assignee and Power of Attorney

RECD APR 02 2001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

Jin JEN, et al.

Application Serial No.: 09/646,478  
(PCT/US99/06947)

Filing Date: September 15, 2000 (March 30, 1999)

For: **METHODS FOR THE DIAGNOSIS AND  
TREATMENT OF LUNG CANCER**

Examiner: Unassigned

Group Art Unit: Unassigned

Attorney's Docket No. 126881-201800

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Johns Hopkins University, an assignee of the right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Antoinette F. Konski	Reg. No. 34,202
Mark Della Valle	Reg. No. 34,147
Michele Todd Wasmuth	Reg. No. 43,239

all of the firm Baker & McKenzie, 660 Hansen Way, Palo Alto, CA 94304, to prosecute this application and transact all matters in the U.S. Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

Please direct all written communications relative to this application to:

Antoinette F. Konski  
Baker & McKenzie  
660 Hansen Way  
Palo Alto, California 94304

Please direct all telephone communications to Antoinette F. Konski at (650) 856-5564.

**John Hopkins University**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Name: **R. Keith Baker, Ph.D.**  
Title: **Acting Director, Office of Technology  
Licensing**  
Address: **111 Market Place, Suite 906  
Baltimore, Maryland 21202**